

From the U.S. Code Online via GPO Access
[wais.access.gpo.gov]
[Laws in effect as of January 23, 2000]
[Document affected by Public Law 106-521 Section 1]
[CITE: 47USC302a]

TITLE 47--TELEGRAPHS, TELEPHONES, AND RADIOTELEGRAPHS

CHAPTER 5--WIRE OR RADIO COMMUNICATION

SUBCHAPTER III--SPECIAL PROVISIONS RELATING TO RADIO

Part I--General Provisions

Sec. 302a. Devices which interfere with radio reception

(a) Regulations

The Commission may, consistent with the public interest, convenience, and necessity, make reasonable regulations (1) governing the interference potential of devices which in their operation are capable of emitting radio frequency energy by radiation, conduction, or other means in sufficient degree to cause harmful interference to radio communications; and (2) establishing minimum performance standards for home electronic equipment and systems to reduce their susceptibility to interference from radio frequency energy. Such regulations shall be applicable to the manufacture, import, sale, offer for sale, or shipment of such devices and home electronic equipment and systems, and to the use of such devices.

(b) Restrictions

No person shall manufacture, import, sell, offer for sale, or ship devices or home electronic equipment and systems, or use devices, which fail to comply with regulations promulgated pursuant to this section.
[Emphasis added]

(c) Exceptions

The provisions of this section shall not be applicable to carriers transporting such devices or home electronic equipment and systems without trading in them, to devices or home electronic equipment and systems manufactured solely for export, to the manufacture, assembly, or installation of devices or home electronic equipment and systems for its own use by a public utility engaged in providing electric service, or to devices or home electronic equipment and systems for use by the Government of the United States or any agency thereof. Devices and home electronic equipment and systems for use by the Government of the United States or any agency thereof shall be developed, procured, or otherwise acquired, including offshore procurement, under United States Government

criteria, standards, or specifications designed to achieve the objectives of reducing interference to radio reception and to home electronic equipment and systems, taking into account the unique needs of national defense and security.

(d) Cellular telecommunications receivers

(1) Within 180 days after October 28, 1992, the Commission shall prescribe and make effective regulations denying equipment authorization

(under part 15 of title 47, Code of Federal Regulations, or any other part of that title) for any scanning receiver that is capable of--

(A) receiving transmissions in the frequencies allocated to the domestic cellular radio telecommunications service,

(B) readily being altered by the user to receive transmissions in such frequencies, or

(C) being equipped with decoders that convert digital cellular transmissions to analog voice audio.

(2) Beginning 1 year after the effective date of the regulations adopted pursuant to paragraph (1), no receiver having the capabilities described in subparagraph (A), (B), or (C) of paragraph (1), as such capabilities are defined in such regulations, shall be manufactured in the United States or imported for use in the United States.

(e) Delegation of equipment testing and certification to private laboratories

The Commission may--

(1) authorize the use of private organizations for testing and certifying the compliance of devices or home electronic equipment and systems with regulations promulgated under this section;

(2) accept as prima facie evidence of such compliance the certification by any such organization; and

(3) establish such qualifications and standards as it deems appropriate for such private organizations, testing, and certification.

(June 19, 1934, ch. 652, title III, Sec. 302, as added Pub. L. 90-379, July 5, 1968, 82 Stat. 290; amended Pub. L. 97-259, title I, Sec. 108(a), Sept. 13, 1982, 96 Stat. 1091; Pub. L. 102-556, title IV, Sec. 403(a), Oct. 28, 1992, 106 Stat. 4195; Pub. L. 104-104, title IV, Sec. 403(f), Feb. 8, 1996, 110 Stat. 131.)

Amendments

1996--Subsec. (e). Pub. L. 104-104 added subsec. (e).

1992--Subsec. (d). Pub. L. 102-556 added subsec. (d).

1982--Subsec. (a). Pub. L. 97-259, Sec. 108(a)(1), (2), inserted ``(1)'' after ``regulations'' and ``; and (2) establishing minimum performance standards for home electronic equipment and systems to reduce their susceptibility to interference from radio frequency energy'' after ``radio communications'', and substituted ``or shipment of such devices and home electronic equipment and systems, and to the use of such devices'' for ``shipment, or use of such devices''.

Subsec. (b). Pub. L. 97-259, Sec. 108(a)(3), substituted ``or ship

devices or home electronic equipment and systems, or use devices,' for ``ship, or use devices''.

Subsec. (c). Pub. L. 97-259, Sec. 108(a)(4), inserted ``or home electronic equipment and systems' after ``devices' wherever appearing, inserted ``and home electronic equipment and systems' after ``Devices', substituted ``objectives' for ``common objective', and inserted ``and to home electronic equipment and systems' after ``reception'.

Effect on Other Laws

Section 403(c) of Pub. L. 102-556 provided that: ``This section [amending this section] shall not affect section 2512(2) of title 18, United States Code.''

Minimum Performance Standards; Home Electronic Equipment and Systems Manufactured Before September 13, 1982

Section 108(b) of Pub. L. 97-259 provided that: ``Any minimum performance standard established by the Federal Communications Commission under section 302(a)(2) of the Communications Act of 1934 [subsec. (a)(2) of this section], as added by the amendment made in subsection (a)(1), shall not apply to any home electronic equipment or systems manufactured before the date of the enactment of this Act [Sept. 13, 1982].''

Section Referred to in Other Sections

This section is referred to in section 510 of this title.

RECENT EXAMPLES OF ENFORCEMENT AGAINST DISTRIBUTORS/MANUFACTURERS UNDER SECTION 302(b) OF THE ACT: